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EXAMINER	
VAN DOREN, BETH	
ART UNIT	**PAPER NUMBER**
3623	

MAIL DATE	DELIVERY MODE
08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/887,414	GOLDSCHNEIDER ET AL.	
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,34-37,49 and 60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,34-37,49 and 60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/03/2007 has been entered.

Claim 60 has been added. Claims 1-10, 34-37, 49, and 59-60 are pending in this application.

Claim Objections

2. Claim 59 is objected to because of the following informalities: misnumbering. Claim 59 lists the elements as steps (a), (b), (c), (e), and (f), skipping the letter (d). Therefore, this claim should be corrected to recite steps (a)-(e). Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10, 34-37, 49, and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle (U.S. 6,771,290) in view of Bargnes et al. (U.S. 7,020,620).

As per claim 1, Hoyle teaches a network based business process comprising the steps of:

(a) receiving an initial request from a customer computer linked with a host computer through a network (See figure 9, column 9, lines 40-60, column 12, lines 40-65, column 36, lines 10-30, wherein the customer requests to logon on and use the system. The customer is at a client computer linked to the host through the Internet. See figure 3);

(b) completing a log-on procedure to allow the customer computer to access said host computer having a main menu comprising business tools suitable for improving performance of a customer (See figure 9, column 9, lines 40-60, column 12, lines 50-65, column 13, lines 40-50, column 14, lines 55-67, column 36, lines 10-20 and 34-40, wherein a log-on procedure allows the user to access the host and choose a tool and function from the operating system);

(c) requesting the customer computer to choose one of said business tools from said menu (See figure 5, column 9, lines 40-60, column 12, lines 50-65, column 13, lines 40-50, column 14, lines 50-67, column 36, lines 10-20 and 34-40, which discloses an operating system with application icons).

However, while Hoyle discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different tools usable by businesses, such as business card management, spreadsheets, customer service, etc., Hoyle does not expressly disclose that the operating system includes an applications program specifically directed towards business

performance analysis wherein business data is entered, processed, and a solution is provided to identify process problems and poor financial performance.

Bargnes et al. discloses business tools that improve performance of a customer (See column 2, line 60-column 3, line 15 and lines 20-30 and 50-65, column 4, lines 8-20 and 35-55), including

(d) requesting the customer computer to enter customer business data required for business performance analysis in said chosen business tool (See figures 3-5, column 2, line 60-column 3, line 15 and lines 20-30 and 50-65, column 4, lines 8-20 and 35-55, wherein the customer inputs data so that a business performance analysis can be performed);

(e) processing said data through an algorithmic module of said chosen business tool carry out a business analysis for said business tool (See figures 3-5, column 3, lines 50-65, column 4, lines 8-25, 35-55 and line 64-column 5, line 10, wherein the data is processed); and

(f) providing a business solution based on said business analysis to said customer computer to identify process problems and poor financial performance of said customer (See figures 3-5, column 3, lines 50-65, column 4, lines 8-25, 35-55 and line 64-column 5, line 10, wherein the data is processed and areas of poor processing and financial performance are identified. See also column 5, lines 50-65).

Both Hoyle and Bargnes et al. disclose network-based systems accessible by client computers that allow the users of the client computers to perform business functions. Hoyle specifically discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as

well as different tools usable by businesses, such as business card management, spreadsheets, customer service, etc. See column 9, lines 45-60, wherein software applications are loaded on the users computer and accessible through the interface. Bargnes et al. discloses a specific software application that is accessed and used in a client/server environment and allows the user to perform business calculations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the software application of Bargnes et al. in the applications programs on the operating system of Hoyle in order to more efficiently maintain, organize, and communicate information of the user by maintaining a personalized and secure interface for the user that is accessible from any computer with network accessibility. See column 1, lines 15-23, column 8, lines 20-50, of Hoyle, which discloses benefits of the interface of Hoyle.

As per claim 2, Hoyle teaches requesting the customer computer to deposit a payment before said step (c) (See column 36, lines 10-33, which discusses depositing payment into a prepaid card); and

authenticating the receipt of said payment deposited by the customer computer (See column 36, lines 10-33, wherein when the amount is paid, it is stored at the computer. Then, when the purchase is made, the server is contacted and a deduction is made. See also column 24, line 60-column 25, line 5).

As per claims 3 and 4, Hoyle discloses wherein said log-on procedure in said step (b) comprises the steps of:

ascertaining identity of said customer computer to determine whether said customer computer is a new user computer or a current user computer (See figure 9,

column 26, line 49-column 27, line 30, wherein it is determined if the customer is new or a current user),

requesting for said new user computer to enter new customer information into said host computer (See figure 9, column 26, line 49-column 27, line 30, wherein when it is determined that the customer is new user, the new user is requested to enter information);

generating customer identification information (See figure 9, column 26, line 49-column 27, line 30 wherein the new user's login name and password are stored in the database);

sending a customer identity data to the new user computer for allowing access in future to said host computer (See figure 9, column 26, line 49-column 27, line 30, wherein the new user is now a current user and may access the tool), and

allowing said new user computer access to said main menu (See figure 9, column 14, lines 55-67, column 26, line 49-column 27, line 30, wherein the new user is now a current user and may access the tools of the operating system).

As per clam 5, while Hoyle discloses an operating system like Windows where different application programs and tools (See figure 5, column 9, lines 40-60, column 12, lines 50-65, column 13, lines 40-50, column 14, lines 50-67, column 36, lines 10-20 and 34-40, which discloses an operating system with application icons), Hoyle does not expressly disclose wherein one of said business tools in said main menu is PAINT DEPARTMENT OPTIMIZER.

Bargnes et al. discloses a business tool of PAINT DEPARTMENT OPTIMIZER (See figures 3-5, column 2, lines 48-53, column 3, lines 30-40, column 4, lines 36-55 and

line 63-column 5, line 5, which discloses optimizing performance including paint technicians in the collision repair shop).

Both Hoyle and Bargnes et al. disclose network based systems accessible by client computers that allow the users of the client computers to perform business functions. Hoyle specifically discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different tools usable by businesses, such as business card management, spreadsheets, customer service, etc. See column 9, lines 45-60, wherein software applications are loaded on the users computer and accessible through the interface. Bargnes et al. discloses a specific software application that is accessed and used in a client/server environment and allows the user to perform business calculations concerning the paint and repairs department. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the software application of Bargnes et al. in the applications programs on the operating system of Hoyle in order to more efficiently maintain, organize, and communicate information of the user by maintaining a personalized and secure interface for the user that is accessible from any computer with network accessibility. See column 1, lines 15-23, column 8, lines 20-50, of Hoyle, which discloses benefits of the interface of Hoyle.

As per claim 6, Hoyle teaches wherein said step (c) further comprises providing instructions for using said chosen business tool (See column 13, lines 40-57, and column 14, lines 1-10 and 30-40, which discloses a help engine that provides information on capabilities).

As per claim 7, Hoyle teaches providing said customer computer on-line help for using said chosen business tool (See column 13, lines 40-57, and column 14, lines 1-10 and 30-40, which discloses a help engine that provides information on capabilities).

As per claim 8, Hoyle teaches analyzing validity of said customer business data against a preprogrammed paradigm for said chosen business tool (See column 25, lines 4-25, which discloses validation checks).

However, Hoyle does not expressly disclose step (d) and thus does not expressly disclose performing a validity check on the specific business data of step (d).

Bargnes discloses entering data in step (d), as set forth above in the rejection of claim 1.

Both Hoyle and Bargnes et al. disclose network-based systems accessible by client computers that allow the users of the client computers to perform business functions. Hoyle specifically discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different functions of the operating system, such as a validation function. See column 9, lines 45-60, wherein software applications are loaded on the users computer and accessible through the interface. Bargnes et al. discloses a specific software application that is accessed and used in a client/server environment and allows the user to perform business calculations concerning the paint and repairs department. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the software application of Bargnes et al. in the applications programs on the operating system of Hoyle as well as utilize the functions of Hoyle (i.e. validation checking) in these applications in order to more efficiently maintain the data of the user

by ensuring that all data is correctly completed. See column 1, lines 15-23, column 8, lines 20-50, of Hoyle, which discloses benefits of the interface of Hoyle. See also column 25, lines 4-25, of Hoyle which discloses the benefits of validation checking.

As per claim 9, Hoyle discloses offering said customer computer on-line help to explain the operations (See column 13, lines 40-57, and column 14, lines 1-10 and 30-40, which discloses a help engine that provides information on capabilities). However, Hoyle does not expressly disclose step (f) and thus does not expressly disclose using the help function with step (f) to explain the business solution.

Bargnes discloses providing a business solution in step (f), as set forth above in the rejection of claim 1.

Both Hoyle and Bargnes et al. disclose network-based systems accessible by client computers that allow the users of the client computers to perform business functions. Hoyle specifically discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different functions of the operating system, such as a help function. See column 9, lines 45-60, wherein software applications are loaded on the users computer and accessible through the interface. Bargnes et al. discloses a specific software application that is accessed and used in a client/server environment and allows the user to perform business calculations concerning the paint and repairs department to find a business solution. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the software application of Bargnes et al. in the applications programs on the operating system of Hoyle as well as utilize the functions of Hoyle (i.e. help functions) in these applications in order to more efficiently communicate

information to the user by way of a help function that provides information on capabilities. See column 1, lines 15-23, column 8, lines 20-50, of Hoyle, which discloses benefits of the interface of Hoyle as well as column 13, lines 40-57, and column 14, lines 1-10 and 30-40, which disclose the

As per claim 10, Hoyle teaches wherein said network comprises Internet (See figure 3 and column 9, lines 40-60).

As per clam 34, while Hoyle discloses an operating system like Windows where different application programs and tools (See figure 5, column 9, lines 40-60, column 12, lines 50-65, column 13, lines 40-50, column 14, lines 50-67, column 36, lines 10-20 and 34-40, which discloses an operating system with application icons), Hoyle does not expressly disclose wherein one of said business tools in said main menu is PAINT DEPARTMENT OPTIMIZER.

Bargnes et al. discloses a business tool of PAINT DEPARTMENT OPTIMIZER (See figures 3-5, column 2, lines 48-53, column 3, lines 30-40, column 4, lines 36-55 and line 63-column 5, line 5, which discloses optimizing performance including paint technicians in the collision repair shop).

Bargnes et al. further discloses tabulating monthly sales, paint and materials revenues, paint and materials purchase cost, number of paint mixes made, average cost per paint mix, number of completed repair orders (See column 2, lines 64-67, column 3, lines 1-10 and 50-65, wherein the user enters business data. See figures 4-5, 10A-B, column 4, lines 10-28 and 44-67, column 5, lines 1-15 and 40-67, which disclose monthly and annual sales, paint and material costs (via cost of sales and cost is inherent to gross

profit), costs for just paint, revenues based on paint, parts, etc. (i.e. sales), amount of paint, cost per pain, number of jobs, etc.).

Bargnes et al. further discloses average cost per paint mix, percent gross profit on paint and materials, goal sales as a percentage of total sales, percent goal gross profit, and percent cost for paint and materials as a percent of total sales (See figures 4-5, 10A-B, column 4, lines 10-28 and 44-67, column 5, lines 1-15 and 40-67).

However, Bargnes et al. does not expressly disclose total sales/Number of completed repair orders (i.e. sales amount per job).

Both Hoyle and Bargnes et al. disclose network-based systems accessible by client computers that allow the users of the client computers to perform business functions. Hoyle specifically discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different tools usable by businesses, such as business card management, spreadsheets, customer service, etc. See column 9, lines 45-60, wherein software applications are loaded on the users computer and accessible through the interface. Bargnes et al. discloses a specific software application that is accessed and used in a client/server environment and allows the user to perform business calculations concerning the paint and repairs department. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the software application of Bargnes et al. in the applications programs on the operating system of Hoyle in order to more efficiently maintain, organize, and communicate information of the user by maintaining a personalized and secure interface for the user that is accessible from any

computer with network accessibility. See column 1, lines 15-23, column 8, lines 20-50, of Hoyle, which discloses benefits of the interface of Hoyle.

Further, Bargnes et al. specifically discloses the performance of many standard financial calculations. Bargnes further discloses that the shop tracks the number of jobs and that sales amounts are known in the system. It is old and well known to calculate the sales amount per job when performing financial analysis for a company. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include total sales/Number of completed repair orders (i.e. sales amount per job) in the calculations of Bargnes et al. in order to more accurately identify areas of improvement for the business by calculating all financial aspects that affect the business. See column 4, lines 10-45, of Bargnes et al.

As per claims 35-37, Hoyle discloses an operating system like Windows where different application programs and tools (See figure 5, column 9, lines 40-60, column 12, lines 50-65, column 13, lines 40-50, column 14, lines 50-67, column 36, lines 10-20 and 34-40, which discloses an operating system with application icons). However, Hoyle does not expressly disclose and Bargnes et al. discloses a business tool of PAINT DEPARTMENT OPTIMIZER (See figures 3-5, column 2, lines 48-53, column 3, lines 30-40, column 4, lines 36-55 and line 63-column 5, line 5, which discloses optimizing performance including paint technicians in the collision repair shop). Bargnes et al. and Hoyle are combinable for the reasons set forth above.

As per claim 35, Bargnes et al. discloses comparing said percent gross profit on paint & materials on a monthly and annual basis against a percent industry standard gross profit for paint & materials for a comparable business accessed from a standardized

performance database (See figures 4-5, 10A-B, column 4, lines 10-28 and 44-67, column 5, lines 1-15 and 40-67, which disclose monthly and annual sales a percent gross profit on paint & materials. See also figure 4, column 4, lines 35-55, column 5, lines 10-20, wherein the company is compared against 25th percentile industry data);

comparing said percent cost for paint & materials as percentage of said total sales on a monthly and annual basis against said percent goal cost for paint & materials as percentage of said total sales (See figures 4-5, 10A-B, column 4, lines 10-28 and 44-67, column 5, lines 1-15 and 40-67, percent cost for paint & materials as percentage of said total sales on a monthly and annual basis against said percent goal cost for paint & materials as percentage of said total sales. See figure 4, column 4, lines 35-55, column 5, lines 10-20, wherein the company is compared against 25th percentile industry data);

comparing said number of paint mixes made, average cost per paint mix, number of completed repair orders and average cost per said repair order on a monthly and annual basis against industry standards of a comparable business accessed from a standardized performance database (See figures 4-5, 10A-B, column 4, lines 10-28 and 44-67, column 5, lines 1-15 and 40-67, which disclose number of paint mixes made, average cost per paint mix, number of completed repair orders and average cost per said repair order on a monthly and annual basis. See figure 4, column 4, lines 35-55, column 5, lines 10-20, wherein the company is compared against 25th percentile industry data).

Further, as per claim 36, Bargnes et al. discloses that the desired percent rate is 0.1% to 5% (See figure 4 and column 4, lines 20-35, olumn 5, lines 60-77, which discloses what-if scenarios and 2%, for example).

As per claim 37, Bargnes et al. discloses comparing against upper 25th percentile of comparable businesses accessed from said standardized performance databases (See figure 4, column 4, lines 35-55, column 5, lines 10-20, wherein the company is compared against 25th percentile industry data).

As per claim 49, Hoyle does not expressly disclose that said customer is a collision repair shop. Bargnes et al. discloses the customer is a collision repair shop (See column 2, lines 48-53, column 3, lines 1-15, which disclose the collision repair shop as the customer and user of the system).

Both Hoyle and Bargnes et al. disclose network-based systems accessible by client computers that allow the users of the client computers to perform business functions. Hoyle specifically discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different tools usable by businesses, such as business card management, spreadsheets, customer service, etc. See column 9, lines 45-60, wherein software applications are loaded on the users computer and accessible through the interface. Bargnes et al. discloses a specific software application that is used at a collision repair shop and accessed and used in a client/server environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to load software for the collision repair shop of Bargnes et al. into the operating system of Hoyle in order to more efficiently maintain, organize, and communicate information of the user by maintaining a personalized and secure interface for the user that is accessible from any computer with network accessibility. See column 1, lines 15-23, column 8, lines 20-50, of Hoyle, which discloses benefits of the interface of Hoyle.

Claim 59 recites substantially similar limitations to claim 1 and is therefore rejected using the same art and rationale set forth above.

As per claim 60, Hoyle teaches a network based business process comprising the steps of:

(a) receiving an initial request from a customer computer linked with a host computer through a network (See figure 9, column 9, lines 40-60, column 12, lines 40-65, column 36, lines 10-30, wherein the customer requests to logon on and use the system. The customer is at a client computer linked to the host through the Internet. See figure 3);

(b) completing a log-on procedure to allow the customer computer to access said host computer having a main menu comprising business tools suitable for improving performance of a customer (See figure 9, column 9, lines 40-60, column 12, lines 50-65, column 13, lines 40-50, column 14, lines 55-67, column 36, lines 10-20 and 34-40, wherein a log-on procedure allows the user to access the host and choose a tool and function from the operating system);

(c) requesting the customer computer to choose one of said business tools from said menu (See figure 5, column 9, lines 40-60, column 12, lines 50-65, column 13, lines 40-50, column 14, lines 50-67, column 36, lines 10-20 and 34-40, which discloses an operating system with application icons).

However, while Hoyle discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different tools usable by businesses, such as business card management, spreadsheets, customer service, etc., Hoyle does not expressly disclose that the operating

system includes an applications program specifically directed towards business performance analysis wherein business data is entered, processed, and a solution is provided to identify process problems and poor financial performance. Further, Hoyle does not expressly disclose that the process consists of the steps (a)-(f).

Bargnes et al. discloses business tools that improve performance of a customer (See column 2, line 60-column 3, line 15 and lines 20-30 and 50-65, column 4, lines 8-20 and 35-55), including

(d) requesting the customer computer to enter customer business data required for business performance analysis in said chosen business tool (See figures 3-5, column 2, line 60-column 3, line 15 and lines 20-30 and 50-65, column 4, lines 8-20 and 35-55, wherein the customer inputs data so that a business performance analysis can be performed);

(e) processing said data through an algorithmic module of said chosen business tool carry out a business analysis for said business tool (See figures 3-5, column 3, lines 50-65, column 4, lines 8-25, 35-55 and line 64-column 5, line 10, wherein the data is processed); and

(f) providing a business solution based on said business analysis to said customer computer to identify process problems and poor financial performance of said customer (See figures 3-5, column 3, lines 50-65, column 4, lines 8-25, 35-55 and line 64-column 5, line 10, wherein the data is processed and areas of poor processing and financial performance are identified. See also column 5, lines 50-65). However, Bargnes et al. does not expressly disclose that the process consists of the steps (a)-(f).

Both Hoyle and Bargnes et al. disclose network-based systems accessible by client computers that allow the users of the client computers to perform business functions. Hoyle specifically discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different tools usable by businesses, such as business card management, spreadsheets, customer service, etc. See column 9, lines 45-60, wherein software applications are loaded on the users computer and accessible through the interface. Bargnes et al. discloses a specific software application that is accessed and used in a client/server environment and allows the user to perform business calculations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the software application of Bargnes et al. in the applications programs on the operating system of Hoyle in order to more efficiently maintain, organize, and communicate information of the user by maintaining a personalized and secure interface for the user that is accessible from any computer with network accessibility. See column 1, lines 15-23, column 8, lines 20-50, of Hoyle, which discloses benefits of the interface of Hoyle.

Further, Hoyle discloses an operating system like Windows where different application programs would be selected based on the needs of the customer as well as different tools usable by businesses. Further, Hoyle generally discloses the ability to monitor a user and serve advertisements to the user of the system based on his tracked activities. It would have been obvious to delete this advertising functionality in order to increase the efficiency and speed of the system in serving the needs of the customer by reducing the amount of activity occurring by the processor. Omission of an element and

its Function is obvious if the function of the element is not desired. See also In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

Response to Arguments

5. Examiner notes that Applicant has maintained his remarks made in the communications of 10/30/2006. Therefore, examiner maintains and reasserts her response to arguments set forth in the final office action dated 01/25/2007,

6. Applicant's arguments with regards to the 35 USC 103 rejections based on Hoyle (U.S. 6,771,290) in view of Bargnes et al. (U.S. 7,020,620) have been fully considered, but they are not persuasive. In the remarks, Applicant argues Examiner's comments in the first paragraph of page 19 of the final office action and further argues that just because Bargnes et al. discloses an algorithm does not mean that any algorithm is obvious in view of Bargnes et al.

In response to this argument, Examiner respectfully disagrees. With regards to claim 1, 59, and 60, these claims recite "processing data through an algorithmic module" of a chosen business tool, without specifying the specific algorithm. Therefore, the claim, in the broadest reasonable interpretation, requires that the prior art use some algorithmic module that uses rules for solving the steps of a problem. This claim language does not require a specific algorithm. Therefore, Bargnes does disclose this limitation because Barnes discloses an analysis module to perform analytical tasks, specifically formulas used to determine financial figures based on the input business data. Therefore, Bargnes teaches a module that contains computer implemented rules for

manipulating the inputted data. See column 3, lines 50-65, column 4, lines 8-25, 35-55 and line 64-column 5, line 10. Claims 34-37 define some specific formulas utilized. In these cases, Bargnes was relied upon to teach these specific formulas, as set forth above. Therefore, Hoyle in view of Bargnes does teach and suggest the limitations as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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bvd
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